

2/23/2023 2:24 PM

ERIN CARTWRIGHT WEINSTEIN

Clerk of the Circuit Court

Lake County, Illinois

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS

ELIZABETH ESPINOSA,

Plaintiff,

v.

BIG LOTS STORES, LLC,

Defendant.

Case No. 23LA00000127

COMPLAINT AT LAW

NOW COMES Plaintiff, ELIZABETH ESPINOSA, by and through her attorneys, BOTTO GILBERT LANCASTER, P.C., and complains of the Defendant, BIG LOTS STORES, LLC (hereinafter referred to as "BIG LOTS"), and pleading hypothetically and in the alternative, states as follows:

1. On or about April 22, 2021, Defendant, BIG LOTS, owned and was in the use, possession, operation and control of a certain retail store located at and commonly known as 400 West Rollins Road, Round Lake Beach, Lake County, Illinois.
2. At all times mentioned herein, Plaintiff, ELIZABETH ESPINOSA, was a patron of the afore-described retail store and was using the store in a manner and for a purpose for which it was intended to be used.
3. It then and there became the duty of the Defendant, BIG LOTS, operating by and through its agents and servants, to exercise reasonable care in its ownership, use, maintenance, operation and control of the afore-described retail store, and in particular, the displays, so as to make same reasonably safe to members of the general public, and in particular, to patrons such as the Plaintiff herein.

**NOTICE**

PURSUANT TO LCR - 2-2.14

THIS CASE IS HEREBY SET FOR AN INITIAL CASE MANAGEMENT CONFERENCE

IN COURTROOM C-303 ON5-23-2023

AT

9:00(A.M.)/P.M.

FAILURE TO APPEAR MAY RESULT IN THE CASE BEING DISMISSED OR

AN ORDER OF DEFAULT BEING ENTERED.

**EXHIBIT A**

4. Notwithstanding the above-described duty, the Defendant, BIG LOTS, operating by and through its agents and servants, did then and there commit one or more of the following acts of misconduct, to-wit:

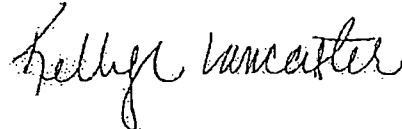
- a. Carelessly and improperly created an unsafe condition by placing merchandise on the display shelves in such a manner that it could fall;
- b. Carelessly and improperly failed to inspect and maintain the merchandise and display shelving;
- c. Carelessly and improperly failed to secure the merchandise;
- d. Carelessly and improperly allowed such conditions to exist for an unreasonable length of time;
- e. Carelessly and improperly failed to warn members of the general public, and in particular, the Plaintiff herein, of the above-described unsafe conditions.

5. As a direct and proximate result of one or more of the foregoing acts of misconduct on the part of the Defendant, BIG LOTS, operating as afore-described, the merchandise, and specifically, large picture frames, fell onto Plaintiff, causing her to sustain serious and permanent injury as hereinafter set forth.

6. As a proximate result of the above occurrence, the Plaintiff sustained severe and permanent injury, both externally and internally, and was and will be hindered and prevented from attending to her usual duties and affairs, and has lost and will in the future lose the value of that time as aforementioned. Plaintiff also suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for and will expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, Plaintiff, ELIZABETH ESPINOSA, prays that this Honorable Court enter judgment against the Defendant, BIG LOTS STORES, LLC, in a fair and reasonable sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), and for such other relief as this Court deems equitable and just.

Respectfully submitted,

A handwritten signature in cursive script, reading "Kelly L. Lancaster".

---

KELLY L. LANCASTER,  
Attorney for Plaintiff

Prepared by:  
KELLY L. LANCASTER (06280424)  
BOTTO GILBERT LANCASTER, P.C.  
970 McHenry Avenue  
Crystal Lake, IL 60014  
(815) 338-3838  
klancaster@bgllaw.net

2/23/2023 2:24 PM

ERIN CARTWRIGHT WEINSTEIN

Clerk of the Circuit Court

Lake County, Illinois

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS

ELIZABETH ESPINOSA,

Plaintiff,

v.

BIG LOTS STORES, LLC,

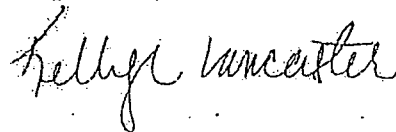
Defendant.

Case No. 23LA00000127

SUPREME COURT RULE 222 AFFIDAVIT OF DAMAGES

The undersigned, being first duly sworn upon oath, deposes and states that she is one of the attorneys for the Plaintiff in the above-entitled cause of action seeking money damages or collection of taxes and states that this cause of action does exceed FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00).

Respectfully submitted,




---

 KELLY L LANCASTER,  
Attorney for Plaintiff

Prepared by:  
 Kelly L. Lancaster (06280424)  
 BOTTO GILBERT LANCASTER, PC.  
 970 McHenry Avenue  
 Crystal Lake, IL 60014  
 (815) 338-3838  
[klancaster@bgllaw.net](mailto:klancaster@bgllaw.net)